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6 Attorneys for Plaintiff  
7 ELIZABETH MOORE, individually and  
on behalf of all others similarly situated

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

12 ELIZABETH MOORE, on behalf  
13 of herself and all others similarly  
situated,

Plaintiff.

16 v.  
17 ENTERTAINMENT PARTNERS,  
LLC, and DOES 1-10.

### Defendants.

| CASE NO. 2:23-cv-07792-TJH-MRW

## CLASS ACTION

## **NOTICE OF MOTION AND MOTION TO REMAND**

Hearing Date: November 6, 2023  
Time: Under Submission  
Judge: Hon. Terry J. Hatter  
Courtroom: 9C

1 TO THE CLERK OF COURT, ALL PARTIES, AND THEIR ATTORNEYS OF  
2 RECORD:

3 PLEASE TAKE NOTICE that, on November 6, 2023, before the Honorable  
4 Terry J. Hatter in Courtroom 9C of the above-entitled court, located at the First  
5 Street Courthouse, 350 W. 1st Street, 9th Floor, Los Angeles, California 90012,  
6 plaintiff Elizabeth Moore, individually on behalf of all others similarly situated,  
7 will and hereby does move the Court for an order remanding this matter to the  
8 Superior Court of California, County of Los Angeles, and requiring defendant  
9 Entertainment Partners, LLC, to pay all attorneys' fees and costs incurred in  
10 connection with the motion in the amount of at least \$9,500. Pursuant to the  
11 judge's standing Law and Motion Schedule and procedures, the motion will be  
12 taken under submission as of the scheduled date of the hearing with no appearance  
13 necessary unless otherwise ordered by the Court.

14 Plaintiff brings this motion pursuant to 28 U.S.C. § 1332, 1441, and 1447 on  
15 grounds that Defendant's removal of this action from state court was improper  
16 because Defendant has failed to meet the requirements for removal jurisdiction  
17 under the Class Action Fairness Act, 28 U.S.C. § 1332(d). Specifically, Defendant  
18 has failed to prove both the minimum diversity and amount in controversy  
19 requirements. Defendant is a California citizen, as is Plaintiff, and her proposed  
20 class definition is expressly limited to California citizens. Defendant's assertions  
21 regarding the amount in controversy are entirely speculative. Defendant improperly  
22 relies on inapposite, unpublished cases in support of an argument that the Court  
23 should expand Plaintiff's complaint beyond its terms and incorporate into the  
24 CAFA analysis the class definitions and allegations of other lawsuits not filed by  
25 Plaintiff. The Court should reject that argument, for the reasons set forth in the  
26 accompanying memorandum.

27 Moreover, even if Defendant were able to satisfy CAFA's initial  
28 requirements, the home-state exception of § 1332(d)(4)(B) mandates that the Court

1 || decline to exercise jurisdiction.

The Court should also reject Defendant's argument in its notice of removal that removal is necessary in order to effectuate all cases stemming from the cybersecurity incident being consolidated into one forum. Defendant has purposefully chosen not to remove another later-filed state court action.<sup>1</sup> That Defendant would espouse to this Court the need to corral all cases, yet leave out another state court action, is disingenuous at best and, at worst, a tactic to facilitate a reverse auction in any later settlement discussions. The Court should reject such machinations.

Moreover, because Defendant lacked an objectively reasonable basis on which to remove, Plaintiff is entitled to an award of all attorneys' fees and costs incurred in connection with this motion. *See* Korovilas Decl. ¶ 2.

13        This motion is based on this notice of motion, the concurrently filed  
14 memorandum of points and authorities, the concurrently filed declaration of  
15 Dimitrios V. Korovilas, the concurrently filed proposed order, all other pleadings  
16 and papers on file in this action, any matters over which the Court may take judicial  
17 notice, and any oral arguments the Court may decide to consider in this matter.

18 This motion is made following the conference of counsel pursuant to Local  
19 Rule 7-3, which took place on September 26, 2023.

Dated: October 9, 2023

## WUCETICH & KOROVILAS LLP

By: /s/ Dimitrios V. Korovilas  
**DIMITRIOS V. KOROVILAS**  
Attorneys for Plaintiff  
**ELIZABETH MOORE,**  
individually and on behalf of all other  
similarly situated

<sup>28</sup> <sup>1</sup>See *Hasbrook v. EP Global Production Solutions, LLC*, Los Angeles Superior Court Case No. 23STCV19711 (filed August 17, 2023).